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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISIONUNITED STATES OF AMERICA)
vs.)
DARRICK C. BOROCZK)No. 09 CR 647
Judge Ronald A. Guzman

FILED
3-3-2010
MAR 03 2010
RONALD A. GUZMAN, JUDGE
UNITED STATES DISTRICT COURT

AGREED FACTUAL BASIS

Pursuant to the Court's request, the parties' agree to the following factual basis for defendant DARRICK C. BOROCZK's guilty plea:

1. With respect to Count One of the indictment: On or about November 10, 2006, at Cook County, in the Northern District of Illinois, Eastern Division, defendant used, persuaded, induced and enticed a minor under the age of eighteen to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, specifically, an image titled "IM005911.jpg," which visual depiction defendant knew and had reason to know would be transported in interstate commerce, which was actually transported in interstate commerce, and which was produced using materials that had been transported in interstate and foreign commerce, in violation of Title 18, United States Code, Section 2251(a).

Specifically, on or about November 10, 2006, defendant used a Hewlett Packard PhotoSmart 315 digital camera, serial number MYB12A3009, to take a picture [REDACTED]

[REDACTED]; Individual A, who was approximately three years old at the time, engaged in sexually explicit conduct. The visual depiction that was created, which has a file name of "IM005911.jpg," depicts Individual A lying naked on her back with her legs spread, and with

defendant's erect penis pressing against her vagina. Defendant sent this image to other individuals via the Internet, and that a copy of this image was recovered on a computer in Pennsylvania.

2. With respect to Count Two of the indictment: On or about May 2, 2007, at Cook County, in the Northern District of Illinois, Eastern Division, defendant used, persuaded, induced and enticed a minor under the age of eighteen to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, specifically, an image titled "IM006108.jpg," which visual depiction defendant knew and had reason to know would be transported in interstate commerce, which was actually transported in interstate commerce, and which was produced using materials that had been transported in interstate and foreign commerce, in violation of Title 18, United States Code, Section 2251(a).

Specifically, on or about May 2, 2007, defendant used a Hewlett Packard PhotoSmart 315 digital camera, serial number MYB12A3009, to take a picture of [REDACTED] Individual A, who was approximately three years old at the time, engaged in sexually explicit conduct. The visual depiction that was created, which has a file name of "IM006108.jpg," depicts Individual A lying on her back with her legs spread in a manner that exposes her genitals to the camera. In addition, this image depicts an open diaper positioned below Individual A's buttocks, and Individual A holding defendant's erect penis in her right hand. Defendant sent this image to other individuals via the Internet, and that a copy of this image was recovered on a computer in Pennsylvania.

3. With respect to Count Three of the indictment: On or about October 17, 2007, at Cook County, in the Northern District of Illinois, Eastern Division, defendant used, persuaded, induced and enticed a minor under the age of eighteen to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, specifically, a video titled "NVECapture.0002.mpg," which visual depiction defendant knew was produced using materials that had been transported in interstate and foreign commerce, in violation of Title 18, United States Code, Section 2251(a).

Specifically, on or about October 17, 2007, defendant created a video of [REDACTED] Individual A, who was approximately four years old at the time, engaged in sexually explicit conduct. This video, which has a file name of "NVECapture.0002.mpg," and is approximately four and a half minutes in length, depicts Individual A engaged in sexual conduct and/or in a lewd and lascivious manner. On multiple instances during the video, a naked Individual A is shown on defendant's lap with her legs spread in a manner that exposed her vagina to the camera. [REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] Finally, the video depicts defendant performing oral sex on Individual A. Defendant saved this video on a Maxtor DiamondMax 10 hard drive that was manufactured in Singapore.

4. With respect to Count Four of the indictment: On or about September 21, 2008, at Cook County, in the Northern District of Illinois, Eastern Division, defendant used,

persuaded, induced and enticed a minor under the age of eighteen to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, specifically, a video titled "Video5.wmv," which visual depiction defendant knew was produced using materials that had been transported in interstate and foreign commerce, in violation of Title 18, United States Code, Section 2251(a).

Specifically, on or about September 21, 2008, defendant created a video [REDACTED]. [REDACTED] Individual A, who was approximately five years old at the time, engaged in sexually explicit conduct. This video, which has a file name of "Video5.wmv," and is approximately eight minutes in length, depicts Individual A engaged in sexually explicit conduct. On multiple instances during the video, defendant bends Individual A over his shoulder, exposes Individual A's anus and vagina to the camera, and then touches and spreads Individual A's vagina and buttocks. [REDACTED]

[REDACTED]
[REDACTED] Finally, near the end of the video, defendant puts his mouth on Individual A's genitals. Defendant saved this video on a Maxtor DiamondMax 10 hard drive that was manufactured in Singapore.

5. With respect to Count Five of the indictment: On or about July 30, 2009, at Wheeling, in the Northern District of Illinois, Eastern Division, defendant knowingly possessed material, namely a Maxtor DiamondMax 10 hard drive, serial number B616STEH, that contained still and video images of child pornography as defined in Title 18, United States Code, Section 2256(8)(A), such images having been produced using materials that had

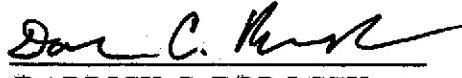
been shipped and transported in interstate commerce by any means, in violation of Title 18, United States Code, 2252A(a)(5)(B).

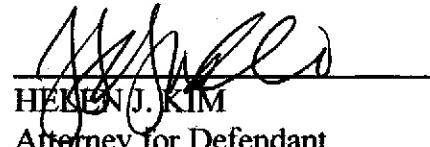
Specifically, on or about July 30, 2009, defendant possessed a Maxtor DiamondMax 10 hard drive that contained still and video images of actual minors engaged in sexual intercourse with adult males, in addition to other sexually explicit conduct. Further, defendant knew that the Maxtor DiamondMax 10 hard drive contained still and video images of actual minors engaged in sexually explicit conduct. The Maxtor DiamondMax 10 hard drive on which defendant stored these still and video images was manufactured in Singapore.

AGREED THIS DATE:

3/3/10


JEFFREY PERCONTE
United States Attorney


DARRICK C. BOROCZK
Defendant


HEELEN J. KIM
Attorney for Defendant